

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:07-HC-2062-BR

UNITED STATES OF AMERICA,	)	
Petitioner,	)	
	)	MEMORANDUM IN SUPPORT
v.	)	OF MOTION TO DISMISS
	)	CERTIFICATION OF A
ZACHARY BROWN,	)	SEXUALLY DANGEROUS PERSON
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves to dismiss the Certification of a Sexually Dangerous Person entered in the above-captioned matter, and in support thereof shows onto this Honorable Court:

1. The United States, pursuant to lawful procedures, certified the Respondent as a sexually dangerous person under 18 U.S.C. § 4248 on April 3, 2007. (D.E. #1).

2. On August 8, 2011, the United States filed a forensic evaluation from an outside expert evaluator that found Respondent did not meet criteria for commitment under the Adam Walsh Act. (D.E. #54). The outside expert's opinion is consistent with that of Respondent's expert evaluator's ultimate opinion that Respondent does not meet criteria for commitment under the Adam Walsh Act. (D.E. #49).

3. Based on a review of the above expert opinions and considerations unique to this case, the United States concludes that it cannot meet its burden of proving by clear and convincing

evidence that Respondent will, based on a serious sexual abnormality or mental disorder, have serious difficulty in refraining from engaging in sexually violent conduct or child molestation.

4. Therefore, the United States hereby moves to dismiss the Certification of a Sexually Dangerous Person filed in the above-captioned matter and the dismissal of the case.

Respectfully submitted on this 24<sup>th</sup> day of August 2011.

THOMAS G. WALKER  
United States Attorney

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CERTIFICATE OF SERVICE

This is to certify that I have on this 24<sup>th</sup> day of August 2011, served the foregoing memorandum in support of Petitioner's motion to dismiss upon counsel for the respondent by CM/ECF addressed to:

Mr. Joseph Ross, II  
Attorney for Respondent

/s/ Michael Gordon James  
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